

Crime Panel Delays 'Bug'

1/21/67

By John P. MacKenzie
Washington Post Staff Writer

The National Crime Commission has decided tentatively to suggest that congressional consideration of the controversial wiretap-eavesdropping issue await the outcome of a "bugging" case pending in the Supreme Court.

Sources close to the Commission indicated yesterday that the Supreme Court case has become a vehicle for compromise within the divided Commission, named by President Johnson 18 months ago to plan his "war on crime."

The 19-member Commission meets here today and Sunday, with hopes of sending the White House at least a typewritten draft of its summary report by Monday, the deadline set in a 1965 executive order.

More Power Favored

At closed meetings in November and December an overwhelming Commission majority favored recommending some form of legislation giving law enforcement officers more power to wiretap and eavesdrop, at least in investigations of organized crime.

A decision to explore permissive legislation was reached in November despite the objections of Executive Director James Vorenberg and Acting Attorney General Ramsey Clark. Vorenberg said the Commission lacked information and Clark warned that the issue would distract attention from more basic crime problems.

But between November and December meetings the Supreme Court agreed to hear a case from New York questioning the constitutionality of court-authorized electronic eavesdropping.

Compromise Resulted

Some Commission members at the December meeting questioned the propriety of major recommendations in an area that was under high court scrutiny. Others, however, insisted that the Commission should not duck the

Proposals

issue.

The result was a compromise that minimized Commission differences and suggested waiting for the Supreme Court's ruling, which may not come before June. Commission officials refused to say whether the recommendation included the majority view that some eavesdropping was important to law enforcement.

The entire subject could be reopened at today's meeting in view of President Johnson's strong statement last week in his State of the Union message. Mr. Johnson said he would propose a bill outlawing all wiretapping, public and private, and using "the full reach of our constitutional powers" to stamp out other forms of electronic eavesdropping.

Waiting for Decision

Present Administration plans also call for waiting until the Supreme Court rules. A decision for or against the New York practice could affect the range of powers that Congress may exercise.

It was learned that the principal opponents of bugging at the December meeting were Houston attorney Leon Jaworski, a close friend of the President's who shares his aversion to eavesdropping, and Federal Judge Luther W. Youngdahl of Washington.